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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of

Jose Rafael ESTEBAN DURAN et al.

Date: April 10, 2002

Serial No.: 09/508,031

Group Art Unit: 1651

Filed: April 26, 2000

Examiner: Coe, Susan D.

For: COMPOSITION ATTRACTIVE TO INSECTS PERTAINING TO THE
COLEOPTERA ORDER AND ITS APPLICATION TO PEST CONTROL IN PALM
TREES AND RELATED PLANTS

Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. 1.181

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22 MAY 2002

Leyai Saito
International Division

The Commissioner is respectfully petitioned to instruct the Examiner to withdraw the Office Action dated March 28, 2002, and issue a revised action directed to the correct set of claims.

The correct original claims in this application are those numbered 1 to 13, set forth in the sheets each marked "Amended Sheet." For convenience, copies of these sheets are appended hereto.

In Applicants' response dated January 16, 2002, it was pointed out that these were the correct claims rather than another set ("claims 1 to 15") acted on by the Examiner. Despite this being brought to the Examiner's attention, he has persisted (in the action of March 28, 2002) in addressing the wrong set of claims. For example, the language the Examiner (last two lines of page 4 of the action) states appears in claim 3 does not, in fact, occur in the correct claim 3.

Granting of this petition is respectfully requested.

Respectfully submitted,

I certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope
addressed to Commissioner for Patents, Washington, D.C.
20231, on April 10, 2002


Signature

April 10, 2002

Date


Leon Zitver

Leon Zitver
Registration No. 27,500
OSTROLENK, FABER, GERB & SOFFEN, LLP
1725 K Street, N.W.
Washington, D.C. 20006
Telephone: (202) 457-7785

CLAIMS

1. A mixture suitable for producing an insect attracting composition that is useful for controlling insect pests in plants selected from plants of the family *Palmaceae*, sugar cane, banana tree and agaves, comprising the following components:

- (a1) an organic compound selected from the group formed by methanol, ethanol, ethyl acetate, and mixtures thereof; and
- (a2) a vegetal matter comprising vegetal portions from said plants of the family *Palmaceae*, sugar cane, banana tree and agaves.

2. A mixture according to claim 1, wherein said component (a1) is present in an amount comprised between 15 and 85% by weight in respect to the total amount.

3. A mixture according to claim 1, wherein the vegetal portions of said component (a2) are selected from the group formed by stems, leaves, fruits and their mixtures.

4. A mixture according to claim 1, which further comprises a preserving agent in order to stabilize said ground and fermented vegetal matter.

5. A mixture according to claim 4, wherein said preserving agent is selected among ascorbic acid, citric acid and mixtures thereof.

6. A mixture according to claim 1, wherein said component (a2) is present in an amount comprised between 15 and 85% by weight in respect to the total amount.

7. A mixture according to claim 1, which further comprises a component (a3) selected from the group formed by isobutyl acetate, acetoin, phenol, guaiacol, menthol, 2-phenylethanol and mixtures thereof.

8. A mixture according to claim 7, wherein said component (a3) is present in an amount comprised between 0 and 20% by weight in respect to the total amount.

9. A mixture according to claim 1, comprising 40% by weight of ethyl acetate, 40% by weight of ethanol and 20% by weight of ground, stabilized sugar cane with a preserving agent.

10. A mixture according to claim 1, comprising 35% by weight of ethyl acetate, 35% by weight of ethanol, 25% by weight of sugar cane and/or coconut meat, ground and stabilized with ascorbic acid, 2.5% by weight of phenol and 2.5% by weight of acetoin.

11. A mixture according to claim 1, comprising 35% by weight of ethyl acetate, 35% by weight of ethanol, 20% by weight of sugar cane and/or coconut meat, ground and stabilized with ascorbic acid, 2.5% by weight of phenol, 2.5% by weight of acetoin, 2.5% by weight of guaiacol and 2.5% by weight of 2-phenylethanol.

12. A composition attractive to insects that is useful for controlling pests of insects pertaining to the *Coleoptera* order in plants selected from plants of the family *Palmaceae*, sugar cane, banana tree and agaves, comprising a mixture according to any of claims 1 to 11, and a feromone corresponding to the insect the pest of which is intended to be controlled.

13. A method for controlling pests of insects pertaining to the *Coleoptera* order in plants selected from plants of the family *Palmaceae*, sugar cane, banana tree and agaves, comprising the application of a composition attractive to insects, according to claim 12, loaded with the feromone corresponding to the insect the pest of which is intended to be controlled on the groves of plants of the family *Palmaceae*, sugar cane, banana tree or agaves.